

Congress of the United States
Washington, DC 20515

November 5, 2019

The Honorable John Michael “Mick” Mulvaney
Acting Chief of Staff
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. Mulvaney:

Pursuant to the House of Representatives’ impeachment inquiry, we hereby write to request your appearance at a deposition on **November 8, 2019 at 9:00 a.m. at The Capitol, HVC-304.**

This deposition will be conducted jointly by the Permanent Select Committee on Intelligence under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Committee on Foreign Affairs and the Committee on Oversight and Reform. The deposition transcript shall be collected as part of the House’s impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Your failure or refusal to appear at the deposition, including at the direction or behest of the President, shall constitute further evidence of obstruction of the House’s impeachment inquiry and may be used as an adverse inference against you and the President.

The Committees are investigating the extent to which President Donald J. Trump jeopardized U.S. national security by pressing Ukraine to interfere with our 2020 election and by withholding a White House meeting with the President of Ukraine and security assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Based on evidence gathered in the impeachment inquiry and public reporting, we believe that you possess substantial first-hand knowledge and information relevant to the House’s impeachment inquiry. Specifically, the investigation has revealed that you may have been directly involved in an effort orchestrated by President Trump, his personal agent, Rudolph Giuliani, and others to withhold a coveted White House meeting and nearly \$400 million in security assistance in order to pressure Ukrainian President Volodymyr Zelensky to pursue investigations that would benefit President Trump’s personal political interests, and jeopardized our national security in attempting to do so.

¹ See Letter from Chairman Jerrold Nadler, House Committee on the Judiciary, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence; Chairwoman Maxine Waters, House Committee on Financial Services; Chairman Elijah E. Cummings, House Committee on Oversight and Reform; and Chairman Eliot L. Engel, House Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).

Evidence gathered in the impeachment inquiry and public reporting suggest that you may have coordinated with U.S. Ambassador to the European Union Gordon Sondland, Mr. Giuliani, and others to carry out President Trump's scheme to condition a White House meeting with President Zelensky on the Ukrainians' pursuit of investigations of the Bidens, Burisma Holdings, a natural gas company on whose board former Vice President Joseph R. Biden Jr.'s son, Hunter Biden, once sat, and purported Ukrainian interference in the 2016 U.S. presidential election.

For example, it has been publicly reported that during a July 10, 2019, meeting at the White House, Ambassador Sondland "told Ukraine officials ... that Kyiv needed to deliver specific investigations in order to get a hoped-for meeting with Mr. Trump."² Following that meeting, former National Security Advisor John R. Bolton told a National Security Council (NSC) staffer "to notify the chief lawyer for the National Security Council about a rogue effort by Mr. Sondland, Mr. Giuliani, and Mick Mulvaney" to pressure Ukraine for political help.³

Ambassador Bolton, who appears to have believed that you were directly involved in the President's scheme, reportedly instructed the NSC staffer to tell the NSC lawyers, "I am not part of whatever drug deal Sondland and Mulvaney are cooking up."⁴ The "drug deal" appears to be a reference to the scheme to pressure Ukraine to pursue the investigations for the political benefit of President Trump.

In addition, the evidence and public reporting suggest that you played a central role in President Trump's attempt to coerce Ukraine into launching his desired political investigations by withholding nearly \$400 million in vital security assistance from Ukraine that had been appropriated by Congress and approved by the national security interagency for disbursement. According to multiple press reports, at some point in July 2019, President Trump ordered you to freeze security assistance to Ukraine, and you reportedly conveyed the President's order "through the budget office to the Pentagon and the State Department, which were told only that the administration was looking at whether the spending was necessary."⁵

Moreover, at a White House press briefing on October 17, 2019, you admitted publicly that President Trump ordered the hold on Ukraine security assistance to further the President's own personal, political interests, rather than the national interest. Specifically, in discussing the reasons President Trump ordered the hold, you stated, "Did [President Trump] also

² *Gordon Sondland's Testimony About Ukraine Investigations Under Scrutiny*, Wall Street Journal (Oct. 29, 2019) (online at www.wsj.com/articles/gordon-sondlands-testimony-about-ukraine-investigations-under-scrutiny-11572378583).

³ *Bolton Objected to Ukraine Pressure Campaign, Calling Giuliani 'a Hand Grenade,'* New York Times (Oct. 14, 2019) (online at www.nytimes.com/2019/10/14/us/politics/bolton-giuliani-fiona-hill-testimony.html).

⁴ *Id.*

⁵ *Trump Said to Have Frozen Aid to Ukraine Before Call with Its Leader*, New York Times (Sept. 23, 2019) (online at www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html).

mention to me in pass [sic] the corruption related to the DNC server? Absolutely. No question about that. But that’s it. And that’s why we held up the money.”⁶

President Trump’s desire for Ukraine to investigate the “DNC server”—which President Trump specifically demanded President Zelensky pursue during their July 25, 2019, phone call—appears to be an allusion to a thoroughly debunked conspiracy theory that the Democratic National Committee’s server that was hacked by Russia during the 2016 U.S. election was actually hacked by Ukraine in order to frame Russia and was thereafter secreted to Ukraine.⁷ After referencing the baseless DNC server conspiracy theory, you then engaged in the following colloquy with a reporter:

Q: So the demand for an investigation into the Democrats was part of the reason that he ordered to withhold funding to Ukraine?

A: The look back to what happened in 2016—

Q: The investigation into Democrats.

A: —certainly was part of the thing that he was worried about in corruption with that nation. And that is absolutely appropriate.

Q: And withholding the funding?

A: Yeah. Which ultimately, then, flowed. By the way, there was a report that we were worried that the money wouldn’t—that if we didn’t pay out the money, it would be illegal, okay? It would be unlawful. That is one of those things that has the little shred of truth in it, that makes it look a lot worse than it really is.

...

Q: But to be clear, what you just described is a quid pro quo. It is: Funding will not flow unless the investigation into the Democratic server happens as well.

A: We do that all the time with foreign policy. ... And I have news for everybody: Get over it. There’s going to be political influence in foreign policy.⁸

⁶ The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (Oct. 17, 2019) (online at www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/).

⁷ *President Trump’s Alternate Reality on Ukraine*, Washington Post (Oct. 29, 2019) (online at www.washingtonpost.com/politics/2019/10/29/president-trumps-alternative-reality-ukraine/).

⁸ The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (Oct. 17, 2019) (online at www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/).

Despite your subsequent attempts to walk-back this clear admission,⁹ your statements to the American public on October 17 were nothing less than a televised confession that President Trump's order to freeze Ukraine security assistance was explicitly linked to Ukraine pursuing investigations as part of an effort to bolster the President's 2020 re-election campaign.

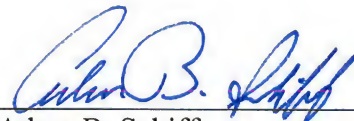
Accordingly, we hereby request your appearance at a deposition on November 8, 2019, at 9:00 a.m. Because the House deposition regulations do not permit agency counsel to participate in depositions, please have your personal counsel contact us to arrange for your appearance. As you know from your previous service in the House of Representatives, both Republican and Democratic-led committees have conducted depositions without agency counsel for decades with high-level White House aides—including White House Chiefs of Staff.¹⁰

If you have any questions, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

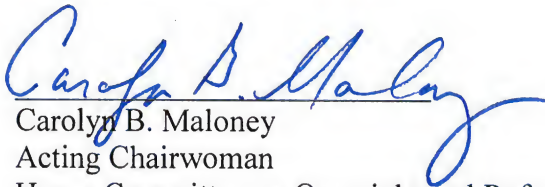
Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence



Carolyn B. Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Enclosure

⁹ See, e.g., *Read Mulvaney's Conflicting Statements on Quid Pro Quo*, New York Times (Oct. 17, 2019) (quoting statement released by the White House from Acting Chief of Staff Mick Mulvaney) (online at www.nytimes.com/2019/10/17/us/politics/mulvaney-transcript-quid-pro-quo.html).

¹⁰ See House Committee on Oversight and Reform, *Congressional Depositions in the House of Representatives: Longstanding Republican and Democratic Practice of Excluding Agency Counsel* (Nov. 5, 2019) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Committee%20Depositions%20in%20the%20House%20of%20Representatives_Longstanding%20Republican%20and%20Democratic%20Practice%20of%20Excluding%20Agency%20Counsel.pdf) (describing depositions of previous White House Chiefs of Staff Mack McLarty and Erskine Bowles, among other White House officials).

The Hon. John Michael "Mick" Mulvaney

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cc: The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform